



Commonwealth  
of Massachusetts

***OCPF Online***  
*www.state.ma.us/ocpf*  
**Office of Campaign and Political Finance**  
**One Ashburton Place, Room 411**  
**Boston, MA 02108**

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***Advisory Opinion***

May 23, 2000  
AO-00-07

Representative Harriett L. Stanley  
State House – Room 238  
Boston, MA 02133-1020

Re: Candidate's writing column for newspaper

Dear Representative Stanley:

This letter is in response to your May 9, 2000 request for an advisory opinion.

**Facts**

You are co-author of a column for a local newspaper, called the *State House Column*. You have stated that the *West Newbury News* has published the column weekly since 1996. Its format is similar to the news roundup sections of major newspapers and its content includes discussion of public issues relevant to residents of the Second Essex District.

In recent issues, topics covered by the *State House Column* include a recap of Census 2000, a summary of the House's budget debate, a description of a meeting with local delegates to Student Government Day, a description of the standards applying to special education programs, a summary of the proposed mail order drug program and a farewell to a retiring selectman.

You have stated that the *State House Column* is not political in nature and does not deal with campaign-related matters, including the solicitation of contributions or advocacy for or against any candidate. You believe that the column is a form of constituent communication and that you consider it to be part of your regular duties as a State Representative.

**Question**

Must the *West Newbury News* take any special actions in connection with the *State House Column* in the weeks preceding the November 2000 election, e.g., suspend the column or provide equal space to your opponent?

**Answer**

No. The campaign finance law would not require the *West Newbury News* to take any such actions.

**Discussion**

In 1996 this office issued an opinion to you stating that the column may be published during the months immediately preceding an election even if an opponent is not invited to write a similar column in the same paper. See advisory opinion AO-96-29. We understand that you have submitted your request to ensure that the law and our interpretation and application to the *State House Column* have not changed over the past four years. For the reasons that follow, our interpretation remains the same – the column may be published without any required suspension before an election and without equal space being offered to opponents.

The campaign finance law defines a contribution as any “thing of value [given] for the purpose of influencing the nomination or election” of a candidate. See M.G.L. c. 55, § 1. Contributions must be disclosed and are subject to limitations imposed by the law, and corporate contributions to candidates are prohibited. See M.G.L. c. 55, § 8.

The jurisdiction of this office is limited to Chapters 55 and 55A of the General Laws, which generally do not regulate media organizations. Section 8A of Chapter 55 does specify, however, that “[a] media organization may make time or space available to a qualified candidate at no cost or at reduced cost for the purpose of presentation of the candidate's own political advertising” if (1) the same amount of space and the same market value is provided to opposing candidates and (2) the media organization discloses the arrangement in accordance with rules and regulations issued by this office. See M.G.L. c. 55, § 8A. A media organization which complies with section 8A has not made a contribution within the meaning of section 8.

The campaign finance law does not restrict newspapers from exercising their First Amendment freedoms by using columns to disseminate political views. See Opinion of the Attorney General, November 26, 1980 (in which the Attorney General, citing First National Bank of Boston v. Bellotti, 371 Mass. 773, 789 (1978), observed that “section 8 does not bar such activities [as publishing a house organ or newspaper expressing political views] which are in the normal course of . . . corporate affairs”).

Although this office has not defined if and when the provision of space for a column might involve the receipt of a contribution, i.e., when the “column” might actually be an advertisement, we believe the Federal Election Commission's approach to similar questions is instructive. The Commission has stated that where a communication does not involve “(i) the solicitation, making or acceptance of contributions to the candidate's campaign,” and does not “expressly advocat[e] the nomination, election or defeat of any candidate” such communication does not involve the receipt of a “contribution” or the making of an “expenditure” on behalf of a candidate. See FEC AO 1994-15 (applying the standard to the hosting of a monthly public affairs series to be televised on local cable television stations) and opinions cited therein.

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Therefore, as discussed in AO-96-29, I believe that the column is not an "advertisement" subject to section 8A and its publication does not result in your receipt of a contribution. Therefore, a newspaper may provide you with space to write a column, even if similar space is not provided to your opponent.

This advisory opinion is issued solely within the context of the Massachusetts campaign finance law and is provided solely on the basis of representations in your letter.

This office appreciates your interest in the campaign finance law. Please contact us if you have further questions.

Sincerely,

A handwritten signature in cursive script, reading "Michael J. Sullivan", followed by a vertical line.

Michael J. Sullivan  
Director